

1  
2  
3  
4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT SEATTLE

7 LEO DURDEN,

8 Plaintiff,

9 v.

10 GEICO ADVANTAGE INSURANCE  
11 COMPANY,

12 Defendant.

C17-651 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable  
14 Thomas S. Zilly, United States District Judge:

15 (1) Defendant's Motion for Relief from Deadline and Motion to File Amended  
16 Answer, docket no. 41, is GRANTED. Plaintiff has failed to demonstrate that he suffered  
17 prejudice or that GEICO acted in bad faith. *See Hayden v. Mut. Of Enumclaw Ins. Co.*,  
18 1 P.3d 1167, 1171 (Wash. 2000). Plaintiff has been on notice since at least December 1,  
19 2015, that GEICO contended that "several witnesses to the accident" indicated plaintiff  
20 "was racing another vehicle" and was at fault for the accident. See Holsman Declaration,  
21 docket no. 12, Exhibit 8. GEICO may amend its Amended Answer electronically in the  
22 form of Exhibit B to the O'Neil Declaration, docket no. 42, within seven (7) days of the  
23 date of this Minute Order to set forth the affirmative defense under the policy relating to  
racing.

(2) The Clerk is directed to send a copy of this Minute Order to all counsel of  
record.

Dated this 29th day of June, 2018.

William M. McCool

Clerk

s/Karen Dews

Deputy Clerk